

United States District Court

FOR THE NORTHERN DISTRICT OF IOWA

In the Matter of the Search of
(Name, address or brief description of the person or property to be searched)

Agriprocessors, Incorporated and/or Nevel
Properties, Corporation with complete description of
premises to be searched incorporated in Attachment 1

SEARCH WARRANT

CASE NUMBER: 08-MJ-110

TO: Senior Special Agent David Hoagland and any Authorized Officer of the United States

Affidavit(s) having been made before me by SSA David Hoagland who has reason to
Affiant

believe that ☐ on the person of or ☒ on the premises known as (name, description and/or location)
Agriprocessors, Incorporated and/or Nevel Properties, Corporation with complete description of premises to be
searched incorporated in Attachment 1

in the Northern District of Iowa there is now
concealed a certain person or property, namely (describe the person or property)

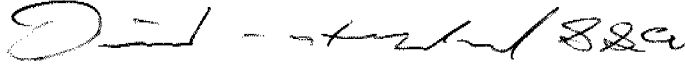
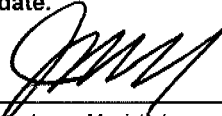
See Attachment 2

I am satisfied that the affidavit(s) and any record testimony establish probable cause to believe that the person or
property so described is now concealed on the person or premises above-described and establish grounds for the
issuance of this warrant.

YOU ARE HEREBY COMMANDED to search on or before May 19, 2008
Date

(not to exceed 10 days) the person or place named above for the person or property specified, serving this
warrant and making the search (in the daytime--6:00 A.M. to 10:00 P.M.) (at any time in the day or night as I find
reasonable cause has been established), and if the person or property be found there to seize same, leaving a
copy of this warrant and receipt for the person or property taken, and prepare a written inventory of the person or
property seized and promptly return this warrant to the undersigned
as required by law. U.S. Judge or Magistrate

May 9, 2008 9:15 AM at Cedar Rapids, IA
Date and Time Issued City and State
Jon S. Scoles, Magistrate Judge
Name and Title of Judicial Officer Signature of Judicial Officer

RETURN		
DATE WARRANT RECEIVED May 09, 2008	DATE AND TIME WARRANT EXECUTED May 12, 2008 / 10:00 a.m.	COPY OF WARRANT AND RECEIPT FOR ITEMS LEFT WITH Sholom Rubashkin via on-site counsel
INVENTORY MADE IN THE PRESENCE OF ICE Senior Special Agent Eric Spalding		
INVENTORY OF PERSON OR PROPERTY TAKEN PURSUANT TO THE WARRANT Please See Attached Copies of the US DHS/ Bureau of Customs and Border Protection "Custody Receipt for Seized Property and Evidence"- CBP Form 6051S.		
Notes: <div style="margin-left: 20px;"> <p>I. Items numbered 3, 4, 5, 6, 7, 8, 29, and 30 are computer hardware devices which were seized and a mirror image was obtained off-site, but which have since been returned to the company.</p> <p>II. Items numbered 31, 32, and 33 reflect computer hardware which was not itself seized, but from which a mirror image was obtained on-site.</p> </div>		
CERTIFICATION		
<p>I swear that this inventory is true and detailed account of the person or property taken by me on the warrant.</p> <div style="text-align: center; margin-top: 10px;">  </div>		
<p>Subscribed, sworn to, and returned before me this date.</p> <div style="display: flex; justify-content: space-around; margin-top: 20px;"> <div style="text-align: center;">  _____ U.S. Judge or Magistrate </div> <div style="text-align: center;"> 5-21-08 _____ Date </div> </div>		

2806241

Handbook 5200-09

14. **PROPERTY (By Line Item) Attach CBP 58 if conveyance**

15. Seizing Officer ERIC SPALDING Print Name	x	 Signature	5/12/08 Date
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a. Line Item No.	b. Description	c. Print Name/Title/Organization	d. Signature	e. Date
001	Documents (Room A)	Derek Davis / SA	<i>[Signature]</i>	5/12/08
002	ID cards (Room A)	Derek Davis / SA	<i>[Signature]</i>	5/12/08
001/002	Documents & ID Cards (Room A)	Sylvia Robertson Unit Chief / SA	<i>[Signature]</i>	05/12/08
001/002	Documents & ID cards	DAN SCHWARTZ SA ICE	<i>[Signature]</i>	05/15/08

CBP Form 6051S (03/04)

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U.S. DEPARTMENT OF HOMELAND SECURITY
Bureau of Customs and Border Protection

2806242

CUSTODY RECEIPT for SEIZED PROPERTY and EVIDENCE

Handbook 5200-09

1. FPF No. 2008350590000101		2. Incident No. 200852005988301	
3. Investigative Case No. RQ19NR08R00002		4. Enforce No. 00000000000000	
5. Prior Detention? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, CBP 6051D No. _____		6. Date Seized (mm/dd/yyyy) 05/12/2008	7. Time Seized (Use 24 Hrs) 05/14/08 10:30 AM
9. Seized From: Name: Agriprocessors Inc. Address: 220 N. West St. Postville, IA 55162 Telephone No. () Ext: _____		10. Entry No. 11. Seal or Other ID Nos.	
12. Remarks:			
13. Send Correspondence to:			

14. PROPERTY (By Line Item) Attach CBP 58 if conveyance

a. Line Item No.	b. Description	c. Packages Number	Type	d. Measurements Qty.	UM	e. Est. Dom. Value
003	S/N 8307W2X (Room) IBM Computer (B)			1	EA	\$
004	S/N 8131D2 (Room) IBM Computer (B)			1	EA	\$
005	S/N 4538 (Room) Orion Computer (B)			1	EA	\$
006	S/N HDRTV21 (Room) Dell Computer (B)			1	EA	\$
007	S/N LR1P103 (Room) IBM Think Pad (B)			1	EA	\$
008	S/N VRY0B1SY (Room) Seagate Hard drive (B)			1	EA	\$

15. Seizing Officer ERIC SPALDIAN Print Name	Signature	5/12/08 Date
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16. ACCEPTANCE / CHAIN OF CUSTODY

a. Line Item No.	b. Description	c. Print Name/Title/Organization	d. Signature	e. Date
003-008	See Above (ALL)	SSA WILLIAMS/ICE	[Signature]	5/12/08
003-008	See above, all	John Owen/SSA/ICE	[Signature]	5/12/08
007-008	See above (ALL)	SSA WILLIAMS/ICE	[Signature]	5/13/08
003-008	See above (ALL)	D. M. HOGAN/US ICE SSA	[Signature]	5-13-08
003-008	See Above (ALL)	SSA WILLIAMS/ICE	[Signature]	5-14-08

CBP Form 6051A Continuation Sheet Attached? Yes ☐ No ☐

CBP Form 6051S (03/04)

CBP Retains Original

Handbook 5200-09

1. Page 2 of 2
2. CF 6051S or D No. 2806242

Customs Retains Original

Case 1:08-mj-00110-JSS Document 3 Filed 05/21/08 Page 5 of 11

CUSTODY RECEIPT for SEIZED PROPERTY and EVIDENCE

Handbook 5200-09

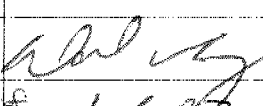
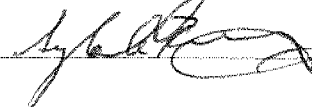
1. FPF No. <div style="border: 1px solid black; padding: 2px;">2008350590000101</div>	2. Incident No. <div style="border: 1px solid black; padding: 2px;">200852005488301</div>
3. Investigative Case No. <div style="border: 1px solid black; padding: 2px;">RQ19NR08R000002</div>	4. Enforce No. <div style="border: 1px solid black; padding: 2px;"> </div>
5. Prior Detention? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, CBP 6051D No. _____	6. Date Seized (mm/dd/yyyy) 7. Time Seized (Use 24 Hrs) 8. FDIN/Misc. <div style="display: flex; justify-content: space-between;"> 5/12/2008 10:30 </div>
9. Seized From: Name: <u>Agriprocessors Inc</u> Address: <u>220 N West St.</u> <u>Postville, IA 52662</u> Telephone No. () Ext: _____	10. Entry No. _____ 11. Seal or Other ID Nos. _____ 12. Remarks: _____
13. Send Correspondence to: _____	

14. PROPERTY (By Line Item) Attach CBP 58 if conveyance

a. Line Item No	b. Description	c. Packages Number	Type	d. Measurements Qty. Unit	UM	e. Est. Dom. Value
011	Documents (Room E)	44	Box	E	Ea	\$
012	Documents (Room E)	2	Box		Ea	\$
013	Documents (Room D)	12	Box		Ea	\$
014	Documents (Room F)	1	bag		Ea	\$
015	Documents (Room C)	73	Box		Ea	\$
016	Documents (Room C)	15	Box		Ea	\$

15. Seizing Officer <u>Eric Spalding</u> <small>Print Name</small>	x  <small>Signature</small>	<u>5/12/08</u> <small>Date</small>
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16. ACCEPTANCE / CHAIN OF CUSTODY

a. Line Item No.	b. Description	c. Print Name/Title/Organization	d. Signature	e. Date
011-016	see above items	<u>Dan Schmitt, SA</u> ^{ICE}		<u>05/14/08</u>
011-016	See above items	<u>Sylvia A Robertson, SA</u> ^{unit chief}		<u>05/12/08</u>

CBP Form 6051A Continuation Sheet Attached? Yes ☐ No ☐

CBP Form 6051S (03/04)

CBP Retains Original

**CUSTODY RECEIPT
FOR
DETAINED OR SEIZED
PROPERTY**

Handbook 5200-09

Continuation Sheet

1. Page 2 of 2
2. CF 6051S or D No. 3029434

3. FPF No. <u>2008350590000101</u>				4. Investigative Case No. or IA File No. <u>RQ19NR08RQ0002</u>				
5. PROPERTY (By Line Item) Attach CF 58 if conveyance							FOR DETENTIONS ONLY	
a. Line Item No.	b. Description	c. Packages		d. Measurements		e. Est. Dom. Value	f. Samples sent to the Customs Lab	
		Number	Type	Qty.	UM		Yes or No	Date
017	Documents (Room J)	8	Box		EA	\$	Yes <input type="checkbox"/> No <input type="checkbox"/>	/ /
018	Credit Cards (Room B)	1	Bag		EA	\$	Yes <input type="checkbox"/> No <input type="checkbox"/>	/ /
019	Documents (Room B)	3	Box		EA	\$	Yes <input type="checkbox"/> No <input type="checkbox"/>	/ /
020	Documents (Room K)	1	Box		EA	\$	Yes <input type="checkbox"/> No <input type="checkbox"/>	/ /
021	Documents (Room L)	1	Bag		EA	\$	Yes <input type="checkbox"/> No <input type="checkbox"/>	/ /
022	Documents (Room M)	3	Bag		EA	\$	Yes <input type="checkbox"/> No <input type="checkbox"/>	/ /
023	Documents (Room N)	1	Bag		EA	\$	Yes <input type="checkbox"/> No <input type="checkbox"/>	/ /
024	Documents (Room O)	1	Bag		EA	\$	Yes <input type="checkbox"/> No <input type="checkbox"/>	/ /
025	Documents (Room P)	1	Bag		EA	\$	Yes <input type="checkbox"/> No <input type="checkbox"/>	/ /
026	Documents (Room Q)	1	Bag		EA	\$	Yes <input type="checkbox"/> No <input type="checkbox"/>	/ /
027	Documents (Room R)	1	Bag		EA	\$	Yes <input type="checkbox"/> No <input type="checkbox"/>	/ /
6. ACCEPTANCE/CHAIN OF CUSTODY								
a. Line Item No.	b. Description	c. Print Name/Title/Organization		d. Signature	e. Date			
17-27	See above - All	DAW Schwarz S/A ICE		<i>[Signature]</i>	05/14/08			
17-27	See above - All	Sylvia A. Robertson SA and chief		<i>[Signature]</i>	05/12/08			
17-27	See Above All	DAW Schwarz S/A ICE		<i>[Signature]</i>	05/15/08			



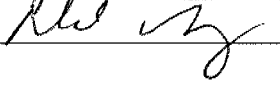
Customs Retains Original

Customs Form 6051A (11/01)

**CUSTODY RECEIPT
FOR
DETAINED OR SEIZED
PROPERTY**
Handbook 5200-09

Continuation Sheet

1. Page 2 of 3
2. CBP-6051S or D No. 3029434

3. FPF No. <u>2008350590000101</u>			4. Investigative Case No. or IA File No. <u>RQ19NR08RQ0002</u>				
5. PROPERTY (By Line Item) Attach CBP- 58 if conveyance						FOR DETENTIONS ONLY	
a. Line Item No.	b. Description	c. Packages		d. Measurements		e. Est. Dom. Value	f. Samples sent to the CBP Lab
		Number	Type	Qty.	UM		Yes or No
028	File Cabinet w/ Documents (Room P)	1	File boxes Cabinet	X4	EA	\$ ✓	Yes <input type="checkbox"/> No <input type="checkbox"/> / /
						\$	Yes <input type="checkbox"/> No <input type="checkbox"/> / /
						\$	Yes <input type="checkbox"/> No <input type="checkbox"/> / /
						\$	Yes <input type="checkbox"/> No <input type="checkbox"/> / /
						\$	Yes <input type="checkbox"/> No <input type="checkbox"/> / /
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						\$	Yes <input type="checkbox"/> No <input type="checkbox"/> / /
						\$	Yes <input type="checkbox"/> No <input type="checkbox"/> / /
						\$	Yes <input type="checkbox"/> No <input type="checkbox"/> / /
6. ACCEPTANCE/CHAIN OF CUSTODY							
a. Line Item No.	b. Description	c. Print Name/Title/Organization		d. Signature	e. Date		
028	File cabinet w/ Documents	DAN SCHWARTZ SA ICE			05/10/08		
028	File Cabinet w/ Documents	Sylvia A Robertson, SA			05/12/08		
028	Documents	DAN SCHWARTZ SA ICE			05/15/08		

CBP Retains Original

CBP Form 6051A (8-03)

Computers

U.S. DEPARTMENT OF HOMELAND SECURITY
Bureau of Customs and Border Protection

2806243

CUSTODY RECEIPT for SEIZED PROPERTY and EVIDENCE

Handbook 5200-09

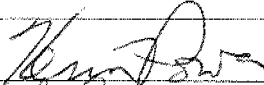




1. FPF No. 2008350590000101	2. Incident No. 200852005988301		
3. Investigative Case No. AQ19WR08RQ00002	4. Enforce No. □□□□□□□□□□		
5. Prior Detention? Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, CBP 6051D No. _____	6. Date Seized (mm/dd/yyyy) 5/12/2008	7. Time Seized (Use 24 Hrs) 1030	8. FDIN/Misc.
9. Seized From: Name: Agriprocessors Inc. Address: 220 N. West St Postville, IA 52162 Telephone No. () Ext: _____	10. Entry No.	11. Seal or Other ID Nos.	
12. Remarks: Sales/Marketing office/ IT Room/Toby's office			
13. Send Correspondence to:			

14. PROPERTY (By Line Item) Attach CBP 58 if conveyance

a. Line Item No.	b. Description	c. Packages Number Type	d. Measurements Qty. UM	e. Est. Dom. Value
029	5/NLVA7479 IBM ThinkPad (Room B)	SALES/Marketing	1	EA \$
030	5/NL30C520 IBM ThinkPad (Room A)		1	EA \$
031	Backup User Files from NAS	IT Room	1	EA \$
032	SQL Database of Time Punch Records		1	EA \$
033	Handscanner Configuration Files		1	EA \$
034	Documents Repository - Toby's office		1	EA \$

15. Seizing Officer Eric Spalding Print Name	x  Signature	5/12/08 Date
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16. ACCEPTANCE / CHAIN OF CUSTODY

a. Line Item No.	b. Description	c. Print Name/Title/Organization	d. Signature	e. Date
029-034	2 laptops, Files on 2 removable drives	Kevin Buer DFA ICE		5/12/08
029-034	2 laptops, files from server	John Owen SSA ICE		5/13/08
029, 30, 34	2 laptops, docs	CAROL WILLIAMS SSA ICE		5/13/08
029, 030	2 Laptops, docs	WESLEY HOAGLAND SSA ICE		5-13-08
009, 030	2 Laptops	CAROL WILLIAMS SSA ICE		5-14-08

CBP Form 6051A Continuation Sheet Attached? Yes ☐ No ☐

CBP Form 6051S (03/04)

CBP Retains Original

Handbook 5200-09

1. Page 2 of 2
2. CF 6051S or D No. 0806243

Customs Retains Original

Case 1:08-mj-00110-JSS Document 3 Filed 05/21/08 Page 10 of 11

NON-SEARCHED

U.S. DEPARTMENT OF HOMELAND SECURITY
Bureau of Customs and Border Protection

3029050

CUSTODY RECEIPT for SEIZED PROPERTY and EVIDENCE

Handbook 5200-09

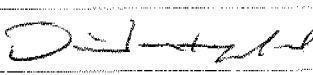
1. FPF No. □□□□□□□□□□□□□□□□		2. Incident No. □□□□□□□□□□□□□□□□	
3. Investigative Case No. KQ19NR08RQ0002		4. Enforce No. □□□□□□□□□□□□□□	
5. Prior Detention? Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, CBP 6051D No. _____		6. Date Seized (mm/dd/yyyy) 7. Time Seized (Use 24 Hrs) 8. FDIN/Misc. 5/14/2008	
9. Seized From: Name: Agprocessors, Inc Address: Postville, IA Telephone No. () Ext: _____		10. Entry No. 11. Seal or Other ID Nos.	
13. Send Correspondence to:		12. Remarks: Encase Images - Gov't Generated Evidence - Derived From 20035050000101-Line Items #003-009, #029, #030	

14. PROPERTY (By Line Item) Attach CBP 58 if conveyance

a. Line Item No.	b. Description	c. Packages Number	Type	d. Measurements Qty.	UM	e. Est. Dom. Value
001	Hard Drives containing Encase Evidence Files	1	BX	4	EA	\$ 0
						\$
						\$
						\$
						\$
						\$
						\$

15. Seizing Officer Craig Williams Print Name	x  Signature	5/14/2008 Date
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16. ACCEPTANCE / CHAIN OF CUSTODY

a. Line Item No.	b. Description	c. Print Name/Title/Organization	d. Signature	e. Date
001	HARD DRIVES CONTAINING Encase Evidence Files	D. M. HUACUARD S.S.A. USICE		5-14-08

CBP Form 6051A Continuation Sheet Attached? Yes ☐ No ☐

CBP Form 6051S (03/04)

CBP Retains Original